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ROBERT H. BROWNELL, CLERK
WESTERN DISTRICT OF LOUISIANA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION

ERNESTINE GREEN, ET AL.

CIVIL ACTION NO. 04-0697

VERSUS

JUDGE ROBERT G. JAMES

RICHARD L. FEWELL, ET AL.

MAG. JUDGE JAMES D. KIRK

RULING

During the trial of this matter, on April 18, 2006, Defendants made a timely oral and written motion for FRCP Rule 50 Judgment as a Matter of Law [Doc. No. 72]. On April 19, 2006, the Plaintiff also made a timely oral Motion for FRCP Rule 50 Judgment as a Matter of Law. Pursuant to the provisions of Rule 50 of the Federal Rules of Civil Procedure, the Court took the motions under advisement and submitted the case to the jury.

The jury rendered its verdict, finding that Plaintiff established by a preponderance of the evidence that Defendant Dale Chellett was negligent under state law. The jury then determined that Plaintiff was comparatively at fault and apportioned the Plaintiff a percentage of fault. The Court will now address the parties' motions.

In ruling on a motion for judgment as a matter of law after a verdict is rendered, the Court must determine whether “the state of proof is such that reasonable and impartial minds could reach the conclusion the jury expressed in its verdict.” *American Home Assur. Co. v. United Space Alliance*, 378 F.3d 482, 487 (5th Cir. 2004) (quoting *Liberty Mut. Ins. Co. v. Falgoust*, 386

F.2d 248, 253 (5th Cir.1967)). A jury verdict must stand unless there is a lack of substantial evidence, viewed in the light most favorable to the successful party, to support the jury's factual findings, or the legal conclusions implied from the jury's verdict cannot, in law, be supported by those findings. *Id.*

In this case, the Court finds that the jury's factual findings are supported by substantial evidence, and the legal conclusions, implied by its verdict, are supported by those factual findings.

Monroe, Louisiana, this 10 day of May, 2006.



ROBERT G. JAMES
UNITED STATES DISTRICT JUDGE